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**\*E-FILED - 11/17/09\***

Attorneys for Defendants KAISER ALUMINUM  
CORPORATION and KAISER ALUMINUM &  
CHEMICAL CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK  
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,  
KAISER ALUMINUM & CHEMICAL  
CORPORATION, and DOES 1 through  
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

WHEREAS, plaintiff Moss Landing Commercial Park (“MLCP”) has filed and served its First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser Aluminum & Chemical Corporation (collectively, the “Kaiser Defendants”), and the Kaiser Defendants have answered such Complaint;

WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware Bankruptcy Court requiring MLCP to dismiss its Complaint;

WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the order of the Delaware Bankruptcy Court;

1 WHEREAS, MLCP has appealed the Delaware District Court's order to the Third Circuit  
2 Court of Appeals;

3 WHEREAS, the parties have completed briefing the appeal to the Third Circuit and are  
4 awaiting a decision;

5 WHEREAS, The Third Circuit has calendared the appeal for consideration during the  
6 week of January 11, 2010; and

7 WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

8 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and  
9 respectfully request that the Court enter an order as follows:

10 1. The Case Management Conference currently scheduled for November 20, 2009,  
11 shall be continued to March 5, 2010 at 10:30 a.m. in Courtroom 6.

12 2. Not later than February 26, 2010, the parties shall file a joint Case Management  
13 Conference Statement.

14 Dated: November 10, 2009

BOHNEN, ROSENTHAL & DUSENBURY

15 By: /s/ Robert E. Rosenthal

16 ROBERT E. ROSENTHAL  
17 Attorneys for Plaintiff MOSS LANDING  
COMMERCIAL PARK LLC

18 Dated: November 10, 2009


JONES DAY

19 By: /s/ Thomas M. Donnelly

20 THOMAS M. DONNELLY  
21 Attorneys for Defendants KAISER  
22 ALUMINUM CORPORATION and  
KAISER ALUMINUM & CHEMICAL  
CORPORATION

23  
24 **IT IS SO ORDERED.**

25 Dated: November 17, 2009

26   
27 The Honorable Ronald M. Whyte  
28 United States District Court Judge